

BILL NO. R-94-03- 28

RESOLUTION NO. Q-17-94

A RESOLUTION RATIFYING
AND APPROVING RESOLUTION
81-30-9 OF THE FORT WAYNE
BOARD OF PUBLIC WORKS

WHEREAS, the Board of Works desires to acquire certain lands in the City of Fort Wayne for the purpose of flood control and the eventual use of parts thereof for a public park to be known as Headwaters Park located within the City of Fort Wayne; and

WHEREAS, the Board of Works has entered into an agreement with the Fort Wayne Redevelopment Commission, thereby appointing the Redevelopment Commission as the Board's agent for the negotiation for and purchase of such real estate, relocation, environmental remediation, demolition, and other functions in aid of acquisition; and

WHEREAS, pursuant to said Intergovernmental Agreement, the Redevelopment Commission has made a recommendation to the Board of Works for the acquisition of the following described parcel of real estate: The East fifty-eight (58) feet of Lot 2, Original Plat; and

WHEREAS, the Board of Works has adopted Resolution 81-30-9 which approves the acquisition of said parcel, establishes the maximum offering price as the average of two appraisals, and provides for relocation procedures and payments in accordance with Indiana Code; and

WHEREAS, pursuant to Indiana Code 36-1-10.5-5 et seq., the Redevelopment Commission may not proceed with the acquisition process on behalf of the Board of Works until the approval of this Resolution _____ by Common Council; and

WHEREAS, this Common Council has reviewed said Resolution and desires to approve same; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Resolution 81-30-9 of the Fort Wayne Board of Public Works, attached hereto as Exhibit A, is hereby approved, ratified, and confirmed.

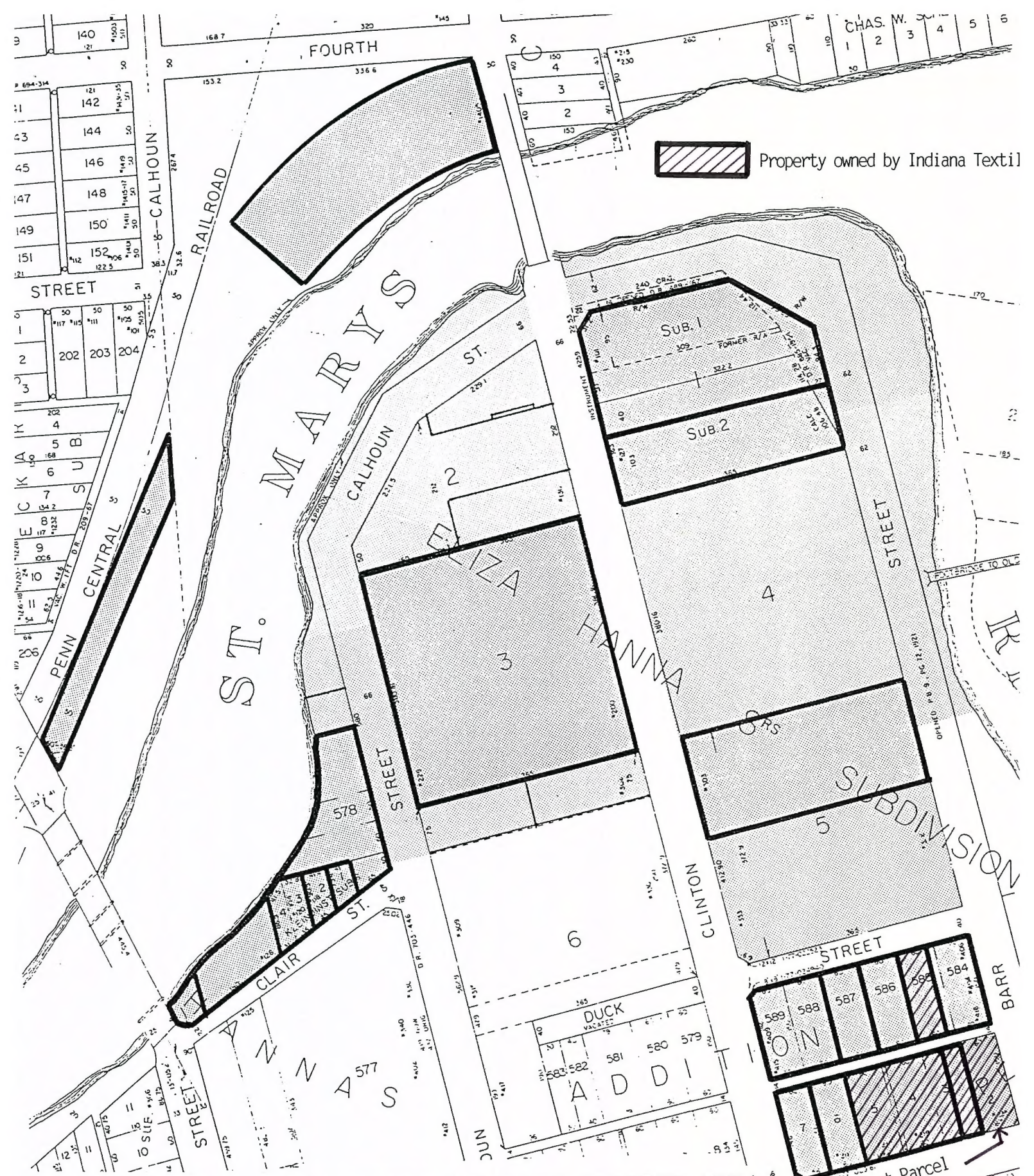
SECTION 2. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Clatus R. Edmonds

Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney



HEADWATERS FLOOD CONTROL AND PARK PROJECT AREA

Subject Parcel

Read the first time in full and on motion by Edmonds, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-22-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by _____, and duly adopted, placed on its passage.
PASSED ~~LOST~~ by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT |
|-------------|----------|------|-----------|----------|
| TOTAL VOTES | <u>6</u> | | | <u>3</u> |
| BRADBURY | <u>✓</u> | | | |
| EDMONDS | <u>✓</u> | | | |
| GiaQUINTA | | | | <u>✓</u> |
| HENRY | | | | <u>✓</u> |
| LONG | | | | <u>✓</u> |
| LUNSEY | <u>✓</u> | | | |
| RAVINE | <u>✓</u> | | | |
| SCHMIDT | <u>✓</u> | | | |
| TALARICO | <u>✓</u> | | | |

DATED: 4-26-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
W. J. Eschhoff, Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-17-94 on the 26th day of April, 1994

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
W. J. Eschhoff, Deputy Clerk

Don J. Schmitter
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1994, at the hour of 2:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
W. J. Eschhoff, Deputy Clerk

Approved and signed by me this 22 day of May, 1994, at the hour of 9:45 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR



Fort Wayne Redevelopment Commission

TO: Members of Fort Wayne City Council
FROM: Ronald R. Fletcher, Executive Director *RF*
DATE: Tuesday, March 22, 1994
SUBJECT: Headwaters Park Real Estate Acquisition

BACKGROUND

07-94-03-28

The Redevelopment Commission and the Board of Works have entered into an intergovernmental agreement whereby the Commission acts as the Board's agent for acquisition, relocation, and demolition for the Headwaters Flood Control and Park Project.

The Commission has previously identified and recommended to the Board of Works twenty eight (28) parcels of real estate for acquisition. The Board of Works, and in turn, the Common Council, have accepted and approved those 28 parcels for acquisition. The parcels located south of the Three Rivers Ambulance Authority facility are needed to relocate the City's Clinton Street parking lot, which must make way for the Headwaters project.

Of those 28 parcels already approved for acquisition, three (3) belong to Mr. Dan Turner, the owner of Indiana Textile Company at the northwest corner of Barr and Superior streets. A fourth parcel also belonging to Mr. Turner, and on which the familiar Indiana Textile building itself is located, was initially not identified for acquisition. The Redevelopment Commission made a preliminary determination not to purchase the property since there were no plans to demolish the building, which is of historical and architectural interest.

The owner has since reported, however, that the acquisition of his surrounding real estate, leaving him with only the building on the street corner, will make him unable to conduct his business at that location. The Redevelopment Commission's appraisers have confirmed that acquisition of only 3 parcels would have a damaging effect on Mr. Turner's business unless the corner parcel were included for acquisition.

On Wednesday, March 9, the Board of Works adopted Resolution 81-30-9, accepting and approving the Redevelopment Commission's recommendation to include the remaining Indiana Textile parcel for acquisition.

Members of City Council
March 22, 1994
Page Two

HIGHLIGHTS OF THE PROPOSED RESOLUTION

The proposed resolution approves, ratifies and confirms Board of Works Resolution 81-30-9, thereby approving the acquisition of the Indiana Textile parcel at the northwest corner of Barr and Superior streets. The parcel is described in the accompanying resolution and depicted on the attached map.

RECOMMENDATION

I recommend that Council adopt the attached resolution. Passage will enable the Redevelopment Commission, the Board of Works' agent, to acquire the subject parcel of real estate, thereby avoiding damage to the business owner.

DIGEST SHEET

TITLE OF ORDINANCE A Resolution Ratifying and Approving Resolution 81-30-9 of the Fort Wayne Board of Public Works (Headwaters Acquisition)

DEPARTMENT REQUESTING ORDINANCE Board of Works/Redevelopment

SYNOPSIS OF ORDINANCE Approves, ratifies, and confirms Board of Works Resolution

81-30-9 which approved one (1) additional parcel of real estate for acquisition for the

Headwaters Flood Control and Park Project

EFFECT OF PASSAGE Redevelopment Commission will proceed to make an offer to purchase the subject parcel along with three (3) other parcels owned by the same person.

EFFECT OF NON-PASSAGE The Commission cannot proceed with the subject acquisition, possibly resulting in damage to the business

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Cost to acquire the subject parcel; avoid potential monetary damages if acquisition proceeds

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. R-94-03-28

REPORT OF THE COMMITTEE ON
FINANCE
CLETUS R. EDMONDS - DONALD J. SCHMIDT - CO-CHAIR
ARCHIE L. LUNSEY
DAVID C. LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) RATIFYING AND APPROVING
RESOLUTION 81-30-9 OF THE FORT WAYNE BOARD OF PUBLIC WORKS

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Janet Bradbury

Sam Talarico

W. Blum

Robert L. Lavy

Mark J. Gurney

Cletus R. Edmonds

DATED: *4-26-94*

Sandra E. Kennedy
City Clerk